

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: BRIAN WIRT BARTLETT,)	Chapter 13
)	Case No. 18-31079-KRH
Debtor(s).)	

RESPONSE TO MOTION FOR RELIEF FROM STAY

Tracy Wills Bartlett (“Mrs. Bartlett”), by counsel, hereby responds to the motion for relief from the automatic stay of 11 U.S.C. § 362(a) filed by the debtor, Brian Wirt Bartlett, as follows:

1. The debtor and Mrs. Bartlett are currently involved in divorce proceedings in the Amelia County Circuit Court, case number CL17000033, which case was filed on March 20, 2017 (“the Divorce Case”).
2. During the pendency of the Divorce Case the debtor filed the above captioned Chapter 13 bankruptcy case.
3. The Divorce Case was not listed in section 4 of the debtor’s statement of financial affairs nor anywhere else in his bankruptcy schedules filed in this case. The debtor’s schedules have not been amended.
4. A trial in the Divorce Case was scheduled to be held on November 28, 2018 without the consent of Mrs. Bartlett or any counsel and without an order from this Court granting relief from the automatic stay. Importantly, the determination and distribution of the parties’ property and debts, pursuant to Virginia Code Section 20-107.3, is set to be heard on November

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28, 2018 ¹.

5. It is imperative that this Court not grant relief from the automatic stay such as to allow the Amelia Circuit Court to proceed with the determination and distribution of the parties' property and debts, pursuant to Virginia Code Section 20-107.3, as the debtor: a) failed to list many significant assets in his bankruptcy schedules; b) grossly understated the value of the assets that are listed in his bankruptcy schedules; c) understated his income in schedule I; and d) overstated his monthly expenses in schedule J.

WHEREFORE, Tracy Wills Bartlett respectfully requests that this Court deny the debtor's motion insofar as relief from the automatic stay is requested relative to any matter related to Virginia Code Section 20-107.3; and for such other and further relief that this case may require and the Court deems just and proper.

TRACY WILLS BARTLETT,

By: /s/ Paul McCourt Curley
Counsel

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¹ It is acknowledged that debtor's counsel represents in the motion that "[r]elief is not requested as to property of the estate". However, in the preceding sentence debtor's counsel requests relief from the automatic stay to allow "the divorce and 'related matters' to proceed." If "related matters" do not include any matters involving the Amelia County Circuit Court's "decree as to property and debts of parties", pursuant to Virginia Code Section 20-107.3, there are no "related matters".

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 7, 2018, a true and correct copy of the foregoing Motion and Notice was filed electronically using the Court's CM/ECF system, which sent notice to all parties who have appeared in this case or by first-class mail, postage paid, to the following:

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